

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In Re: : Bankruptcy No. 16-16972 MDC  
Francis P. O'Brien aka Francis Patrick :  
O'Brien and Theresa L. O'Brien aka :  
Theresa Lynn O'Brien : Chapter 13  
:  
Debtors :  
Central Penn Capital Management, LLC :  
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:  
:  
Movant :  
:  
vs. :  
:  
Francis P. O'Brien aka Francis Patrick :  
O'Brien and Theresa L. O'Brien aka Theresa :  
Lynn O'Brien :  
Debtors/Respondents :  
:  
and :  
:  
William C. Miller, Esquire :  
Trustee/Respondent :  
:

**OBJECTION TO CONFIRMATION OF THE PLAN**

Movant, Central Penn Capital Management, LLC (“Movant”), by its attorneys, Hladik, Onorato & Federman, LLP, objects to confirmation of the Chapter 13 Plan of Debtors, Francis P. O'Brien aka Francis Patrick O'Brien and Theresa L. O'Brien aka Theresa Lynn O'Brien (“Debtors”), as follows:

1. As of the bankruptcy filing date of October 1, 2016, Movant holds a secured claim against the Debtors’ properties, located at: 4700 Richmond Street, Philadelphia, PA 19137; 4450 Garden Street, Philadelphia, PA 19137; and 1207 New York Avenue, Wildwood, NJ 08260 (the “Properties”).

2. Movant has filed a Proof of Claim on February 10, 2017 citing pre-petition arrears in the amount of \$85,175.10.

3. The Plan currently proposes payment to Movant in the amount of \$0.00 for pre-petition arrears.

4. The Plan fails to cure the delinquency pursuant to 11 U.S.C. § 1322(b)(5).

5. Moreover, the real estate taxes continue to accrue past due on the Properties, and one of the Properties continues to be vacant.

6. The Plan violates of 11 USC § 1325(a)(5)(B)(ii) by not providing for Movant to receive the full value of its claim.

7. Movant objects to the feasibility of the Plan under 11 U.S.C. § 1325(a)(6). The Plan proposed by Debtor is not feasible. Movant requests that the bankruptcy case either be converted to a Chapter 7 or be dismissed pursuant to 11 U.S.C. § 1307.

WHEREFORE, Movant respectfully requests that this Honorable Court deny confirmation of the Debtor's Chapter 13 Plan.

Respectfully submitted,

Dated: 3/02/2017

/s/Danielle Boyle-Ebersole, Esquire  
Danielle Boyle-Ebersole, Esquire  
Hladik, Onorato & Federman, LLP  
298 Wissahickon Avenue  
North Wales, PA 19454  
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**CERTIFICATE OF MAILING OF OBJECTION TO THE PROPOSED  
PLAN TO PARTIES IN INTEREST**

I, Danielle Boyle-Ebersole, Esquire, attorney for Central Penn Capital Management, LLC ("Movant"), certify that I served a copy of the attached Objection to the Plan to the parties below on March 2, 2017:

John L. McClain, Esquire  
Via Electronic Filing  
*Attorney for Debtor*

William C. Miller, Esquire  
Via Electronic Filing  
*Trustee*

Francis P. O'Brien aka Francis Patrick  
O'Brien  
4450 Garden Street  
Philadelphia, PA 19137  
Via First Class Mail  
*Debtor*

Theresa L. O'Brien aka Theresa Lynn  
O'Brien  
4450 Garden Street  
Philadelphia, PA 19137  
Via First Class Mail  
*Debtor*

Respectfully Submitted,

/s/Danielle Boyle-Ebersole, Esquire  
Danielle Boyle-Ebersole, Esquire  
Hladik, Onorato & Federman, LLP  
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North Wales, PA 19454  
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